

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

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04 MAR 23 PM 4:00  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

**UNITED STATES OF AMERICA,**

**v.**

**RICHARD M. SCRUSHY,**

**Defendant.**

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**CR-03-BE-0530-S**

**BILL OF PARTICULARS**

On March 3, 2004, Magistrate Putnam issued an order denying, in part, and granting, in part, defendant's Motion for a Bill of Particulars. The Magistrate's Order directs the government to file and serve on defendant a Bill of Particulars "consistent with the Government's agreement to identify the persons behind the references in the indictment to co-conspirators and 'aiders and abettors....'"<sup>1</sup> Pursuant to the Magistrate's Order, the government hereby provides the following information in response to defendant's requests.

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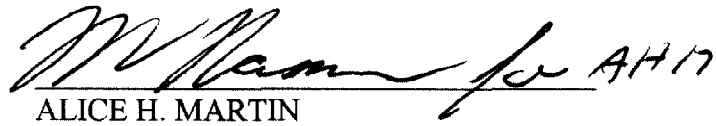
<sup>1</sup> In the government's Response to Defendant's Motion for a Bill of Particulars, the government agreed to identify those co-conspirators and aiders and abettors whom it planned to call to testify at trial. Because of its specific reference to the government's agreement, the government understands the Court's Order not to require identification of individuals, who depending on their state of mind, could be considered co-conspirators or aiders and abettors, but whom the government has no current intention of calling to testify at trial. To the extent that the government determines that it will call one or more of these individuals, it will provide notice to the defendant.


<b>Defendant's Request #</b>	<b>Government's Response</b>
1	William Owens
2	Aaron Beam, Mike Martin, William Owens, Weston Smith, Malcolm McVay, Ken Livesay, Emery Harris, Kay Morgan, Cathy Edwards, Ginny Valentine, Angela Ayers, Jason Brown, Richard Botts, William Hicks
9	Aaron Beam, Mike Martin, William Owens, Weston Smith, Malcolm McVay, Ken Livesay, Emery Harris
11	Same as response to Request 2, above
12	Same as response to Request 2, above
13	Same as response to Request 2, above
15	Same as response to Request 2, above
16	Same as response to Request 2, above
18	Same as response to Request 2, above
20	Same as response to Request 2, above
21	Same as response to Request 2, above
23	William Owens, Mike Martin, Weston Smith, Ken Livesay, Emery Harris
25	Same as response to Request 2, above
26	William Owens, Weston Smith, Ken Livesay, Emery Harris
28	William Owens, Weston Smith, Ken Livesay, Emery Harris, Kay Morgan, Cathy Edwards, Ginny Valentine, Angela Ayers
32	Mike Martin, William Owens, Weston Smith, Malcolm McVay, Jason Brown, Richard Botts
34	Same as response to Request 2, above
36	Same as response to Request 2, above
40	Same as response to Request 2, above
44	Same as response to Request 2, above
45	William Owens, Weston Smith, Malcolm McVay


50	Aaron Beam, Mike Martin, William Owens, Weston Smith, Malcolm McVay
51	Same as response to Request 2, above
53	William Owens, Weston Smith, Ken Livesay, Emery Harris, Kay Morgan, Cathy Edwards, Ginny Valentine, Angela Ayers
55	Same as response to Request 53, above
57	William Owens, Malcolm McVay
59	William Owens, Weston Smith, Malcolm McVay, Emery Harris, Kay Morgan, Cathy Edwards, Ginny Valentine, Angela Ayers, Jason Brown
61	Weston Smith, Emery Harris, Kay Morgan, Cathy Edwards, Ginny Valentine, Angela Ayers
63	Weston Smith
65	Same as response to Request 59, above
66	William Owens, Malcolm McVay
67	William Owens
69	Malcolm McVay
70	William Owens
71	William Owens
74	Same as response to Request 2, above
76	Same as response to Request 2, above
78	William Owens, Weston Smith, Malcolm McVay, Emery Harris, Kay Morgan, Cathy Edwards, Ginny Valentine, Angela Ayers, Jason Brown
80	Same as response to Request 2, above
82	Same as response to Request 78, above
86	Same as response to Request 2, above
88	Same as response to Request 2, above
89	The government submits that this request is not covered by the Magistrate's Order since the unidentified individual is not a "co-conspirator" or "aider and abettor."

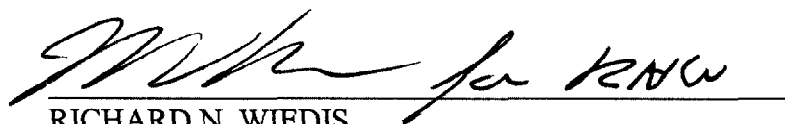
92	Same as response to Request 2, above
94	Same as response to Request 78, above
97	Same as response to Request 2, above
99	Same as response to Request 78, above

Respectfully submitted,

  
 ALICE H. MARTIN  
 United States Attorney

  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 27 2004, a copy of the foregoing has been served upon the following counsel by facsimile and United States first class mail to:

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A handwritten signature in black ink, appearing to read 'RCS', is written over a horizontal line.

RICHARD C. SMITH  
Deputy Chief, Fraud Section  
Criminal Division  
United States Department Of Justice